

REMARKS

Claims 1-11, 13-18, 20-37, 39-43, 45-60, 62-65, 68-81, 83-85 and 87-98 are pending in the application. Claims 1, 27, 52, 53, 74, 94, 97 and 98 are currently amended.

Claims 1-11, 13-18, 21-37, 39-43, 46-51, 53-60, 62-65, 68-81, 83-85, 88-89 and 97-98 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel (US6330317) in view of Fotta (US6130937) and further in view of Fergusson et al. (US2003/0212566). The rejection is respectfully traversed.

Garfinkel discloses a call blocking system that automatically blocks outgoing calls "taking into account factors such as preexisting customers which may be legally contacted." (Abstract; col. 2, line 65 – col. 3, line 1) Garfinkel refers to "override/allow lists" and states that:

[t]he customer company may have established relations with one or more individuals who, while unwilling to accept telemarketing calls in general, are willing to accept telemarketing calls from this particular customer company. This list contains all such numbers for a customer company and is tagged with the customer company's CN to permit calls to such persons 53 by the allowed customer company. (col. 6, lines 1-11)

In other words, Garfinkel's override/allow list simply overrides or allows the customer company to contact any person on such list, without reference to any other criteria.

The Office Action acknowledges that Garfinkel does not teach or suggest a list of exempted destination identifiers that includes a date of contact associated with each exempted destination identifier. The Office Action further acknowledges that Garfinkel does not teach determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact. In amended claim 1, the date of contact corresponds to a business transaction or inquiry by a customer associated with the exempted destination identifier.

The Office Action looks to Fotta for teachings related to storing a date and time associated with an override of a DNC list. However, Fotta does not teach using date/time information in determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact, as required by claim 1.

The Office Action further looks to Fergusson for the claimed features lacking in Garfinkel and Fotta. Applicants respectfully disagree.

Fergusson discloses methods and systems for providing assistance with do-not-call compliance. While Fergusson does deal with allowing calls under certain conditions and may look at databases to "determine the length of time since the client transacted business with the organization" (see paragraphs [0051-0052]; [0074-0076]), such approach requires mining of databases followed by comparison with other parameters:

The DNC handler block 62 may apply the parameter values to the values mined from the one or more databases to determine, if for a particular client, a prior or existing relationship exists. (paragraph [0076], lines 10-13)

Such mining in Fergusson to determine if a prior or existing relationship exists does not teach a list of exempted destination identifiers that includes a date of contact associated with each exempted destination identifier. Further, the simple knowledge that a prior or existing relationship does exist in Fergusson is distinct from being able to determine "whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact" as required by claim 1.

Thus, Garfinkel, neither alone or in combination with Fotta and Fergusson, teaches or suggests Applicants' amended claim 1. Claims 27 and 97 have been amended in a manner similar to amended claim 1. The rejection of claims 1, 27 and 97 under 35 USC 103(a) is believed to be overcome based on the reasons cited above. Claims 2-11, 13-18, 21, 23, 26, 28-37, 39-42, 46 and 48-51, which depend from respective base claims 1 and 27, are believed to be allowable for at least the same reasons.

Regarding base claims 53, 74 and 98, the Office Action acknowledges that Garfinkel does not teach an interface unit that receives one or more proposed destination identifiers; the list of exempted destination identifiers including a date of contact associated with each exempted destination identifier; and determining whether to allow a communications connection depending on a duration that the particular exemption is valid from the date of contact. The Office Action again looks to Fotta and Fergusson for the features lacking in Garfinkel. Applicants respectfully disagrees.

For the same reasons note above with respect to Fergusson and base claims 1, 27 and 97, Applicants believe that claim 53 as amended is patentable over the combination of Garfinkel taken with Fotta and Fergusson. Claims 74 and 98 have been amended in a manner similar to amended claim 53. The rejection of claims 53, 74 and 98 under 35 USC 103(a) is believed to be overcome based on the reasons cited above. Claims 54-62, 64-65, 68-73, 75-81, 83-85 and 87-93, which depend from respective base claims 53 and 74, are believed to be allowable for at least the same reasons.

Claims 20, 45, 67 and 87 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Fotta taken with Fergusson and Prince (US2004/0148506). However, as noted above with respect to base claims 1, 27, 53 and 74, neither Garfinkel, Fotta or Fergusson teaches or suggests determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact. Prince does not supply the elements missing from Garfinkel, Fotta and Fergusson. Therefore, claims 20, 45, 67 and 87 are patentable over the cited references. Reconsideration of the rejection is respectfully requested.

Claims 52 and 94 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Fotta taken with Fergusson and Frentz et al. (US6853717). Claims 52 and 94 have been amended similar to amended claims 27 and 74, respectively. Frentz does not supply what is missing from Garfinkel, Fotta and Fergusson as noted above with respect to amended claims 27 and 74. Therefore, claims 52 and 94 are patentable over the cited references. Reconsideration of the rejection is respectfully requested.

Claims 95 and 96 were rejected under 35 USC 103(a) as being unpatentable over Garfinkel in view of Kikinis et al. (US5960073). The rejection is respectfully traversed.

Kikinis is related to providing an interactive home agent with access to call center functionality and resources. The system of Kikinis is particularly suited for calls dialed in to a call center. In particular, calls are re-directed to a home-based agent with the resources to allow the home-based agent to handle calls as if the agent were located in the call center.

The Office Action acknowledges that Garfinkel does not teach "at the connection unit, interacting with the control unit to validate the identification and authentication information and, upon successful validation by the control unit, prompting for the destination telephone number."

Notably, the Office Action is silent on whether Kikinis discloses "prompting for the destination telephone number." Since Kikinis is concerned with calls being dialed-in to a call center, it does not teach or suggest this feature of claim 95. One of ordinary skill in the art at the time of the invention would not be motivated to combine Garfinkel and Kikinis since Kikinis is directed to dial-in call centers which have nothing to do with do not call blocking. Reconsideration of the rejection of claims 95 and 96 is respectfully requested.

Information Disclosure Statements

A supplemental Information Disclosure Statement (IDS) was filed on January 26, 2009. Another supplemental IDS is being filed concurrently herewith. Entry of both of these IDS is respectfully requested.

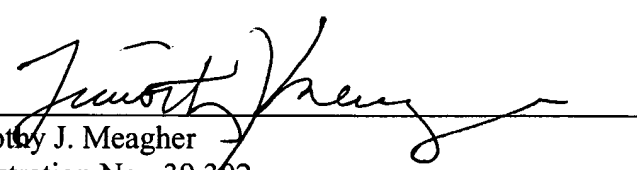
CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Timothy J. Meagher

Registration No. 39,302

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date:

6/29/9